20.10.2003

(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. NO. 4056 /2003

PETITIONER : Smt. Savitri Devi, W/o. Hridayanand Kashyap, aged about 34 years, Sarpanch Gram Panchyat, Bade Temari, Block Basna, P.S. & Tah.- Basna, District-Mahasamund (C.G.)

VERSUS

RESPONDENTS :

1. State of Chhattisgarh Through the Secretary Department of Panchayat D.K.S. Bhawan, Distt.-Raipur (C.G.)
2. District Collector Mahasamund (C.G.)
3. Sub-Divisional Officer, Competent Office (Panchayat) Mahasamund (C.G.)
4. Chief Executive Officer, Janpad Panchayat Basna, District - Mahasamund (C.G.)
5. Tahsildar, Basna, District - Mahasamund (C.G.)
6. Sahnu Patel, S/o. Rushi Patel, aged about 35 years, Ward No.3, Panch (Disqualified Panch)
7. Smt. Sundermoti, W/o. Lakhan Singh, Ward No.7, Panch (Disqualified Panch), Gram-Bade Temri

RECEIVED COPY
10.12.03
Clerk to A.G. Bilaspur

P. R. No. 3663/03
Presented by Shri Nirmalkar
dated 10.12.03

8. Smt. Sumitra, W/o. Jagdish,
   Ward No.8, Panch,
   aged about 40 years,
   Gram-Chhote Temri

9. Smt. Chanchla, W/o.
   Garud Singh, aged about
   28 years, Ward No.15,
   Panch, Gram-Jhurpali

10. Smt. Geeta Bai, W/o.
    Khaneshwar Prasad Kashyap,
    aged about 38 years,
    Ward No.4, Panch

11. Uttam, S/o. Ghansiram,
    aged about 50 years,
    Ward No.1, Panch

12. Khirapdev, S/o. Manikram,
    aged about 50 years,
    Ward No.2, Panch

13. Govind, S/o. Yudhishthir,
    aged about 59 years,
    Ward No.5, Panch

14. Maheshram Ganda,
    S/o.
    aged about 35 years,
    Ward No.6, Panch

15. Mohammed Bashir,
    S/o. Nabi Mohammed,
    aged about 27 years,
    Ward No.9, Panch

16. Muneshwar, S/o. Dhanurjay
    aged about 60 years,
    Ward No.10, Panch,
    Gram-Chhote Temri

17. Chitrasen, S/o. Kirtan,
aged about 33 years,
Ward No.11, Panch,
Gram-Chhote Temri

18. Smt. Jamila, W/o. Majidakhm,
aged about 40 years,
Ward No.12, Panch,
Gram-Chhote Temri

19. Lachhan, S/o. Dafedar Gond,
aged about 60 years,
Ward No.13, Panch,
Gram-Jhurpali

20. Laxman, S/o. Parem Gond,
aged about 37 years,
Ward No.14, Panch,
Gram-Jhurpali

21. Bahadur, S/o. Tegan Panka,
aged about 45 years,
Ward No.16, Panch,
Gram-Jhurpali

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(59)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 4056/03 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक व आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	13.02.2004 Petitioner by Smt. Renu Kocher, Advocate. Shri Ranbir Singh, Govt. Advocate takes notice on behalf of Respondents No. 1 to 5. The petitioner has preferred this petition under Article 226/227 of the Constitution of India being aggrieved by the order dated 20.10.2003 passed by the Collector Mahasamund in Panchayat Case No. 32/A-89 of 2002 – 2003 whereby learned Collector has dismissed the dispute raised before him regarding no-confidence motion passed against the petitioner by the Gram Panchayat – Badetemri on 29.9.2003. I have heard learned counsel for the parties and perused the impugned order. The only grievance of the petitioner herein is that three panchas who participated in the meeting of no-confidence motion were not member of the Panchayat for the reason that one of them Smt. Sumitra (Respondent No.8) had already resigned from the post of panch and other two panchas namely Sundermoti (Respondent	

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(46)

आदेश पत्रक

मामला क्रमांक WP 4056/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

No.7) and Sahnu Patel (Respondent No.6) incurred disqualification on account of having more than two children.

A perusal of the impugned order passed by the learned Collector reveals that as per the Govt. record there was no vacancy in the Panchayat i.e. there was no record showing that the post of Sumitra was fallen vacant on account of her resignation and of other two persons on account of their incurring disqualification for having more than two children. It has further been mentioned in the order that even the petitioner has not furnished any documentary evidence, which shows that these three posts were vacant on account of the reasons mentioned above. Even today learned counsel for the petitioner is not able to show any document that three posts of panchas had fallen vacant for the said reason stated by learned counsel for the petitioner. Learned counsel for the petitioner is not able to raise any point, which may show any illegality or infirmity in the order, passed by the learned Collector.

Therefore, in view of the above I do not find any substance in this petition which is liable to be dismissed and is dismissed.

Sd/-
L.C. Bhadoo
Judge

Trueco/-